

**Remarks**

Claims 1-33 are pending, and claims 1-33 stand rejected. Claims 1, 6, 9-11, 18, 21-23, 29, and 32-33 are amended by this Response. Claims 2, 12, and 24 are cancelled by this Response. The Applicants respectfully traverse the rejection and request allowance of claims 1, 3-11, 13-23, and 25-33.

**§ 102 Claim Rejections**

The Examiner rejected claims 1-3, 5-15, 17-26, and 28-33 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent number 6,269,150 (Herrbach). The Applicants have amended the claims and submit that the claims as amended are novel over Herrbach.

Claim 1 as amended is as follows:

*A method of automating testing of a communication system including communication resources, the method comprising:*

*selecting a first test for execution from a plurality of tests stored in a test database;*  
*processing the first test to identify at least one first communication resource related to the first test;*  
*determining if the at least one first communication resource related to the first test is available for the first test before executing the first test;*  
*generating a first execute instruction to execute the first test responsive to determining that the at least one first communication resource related to the first test is available for the first test; and*  
*storing the first test back in the test database responsive to determining that the at least one first communication resource related to the first test is not available for the first test.*

To summarize claim 1, a test is selected for execution (i.e., the test is going to be run). Before running this particular test, a determination is first made whether the resources for this test are available. If they are, then the test is run. If they are not, then the test is stored in the database to be run later when the resources are available.

Herrbach does not teach that which is claimed in claim 1 as amended. In Herrbach, a set of tests called a test suite is set up. *Herrbach*, column 4, lines 59-60. Resources needed for the entire test suite are acquired and reserved for the test suite. *Herrbach*, column 5, lines 2-10. After the resources are reserved for the entire test suite, then individual tests or cases can be run. A test of the test suite is selected according to the test suite program, and the selected test is run.

*Herrbach*, column 5, lines 11-13. The test that is running acquires the needed resources that have been previously reserved and performs functions not applicable to this discussion.

*Herrbach*, column 5, lines 21-27.

One major difference between *Herrbach* and the pending claims is that the pending claims execute tests responsive to the resources being available for the tests, and *Herrbach* does not. *Herrbach* reserves resources for the entire test suite before executing a single test. Once all of the resources for the entire test suite are reserved, then *Herrbach* can sequentially execute the tests in the test suite. When an individual test in *Herrbach* is subsequently selected, a determination is not made as to whether the resources are available for that test. The resources for all of the tests have been previously reserved, so there would be no point in making the determination as to whether resources are available for that test. Also, *Herrbach* does not describe executing a test responsive to a determination that resources are available. The tests are run in a certain order and in no way responsive to a determination that resources for individual tests are available.

Conversely, claim 1 of the pending claims identifies resources for individual tests to determine if that test should be run. Looking at the claim language, a first test is selected for execution. A determination is made as to the availability of the resources for the first test. The first test is executed responsive to a determination that resources are available. The first test is stored back in the test database (and not executed) responsive to a determination that resources are not available.

The following figures will further show how claim 1 and *Herrbach* are different.

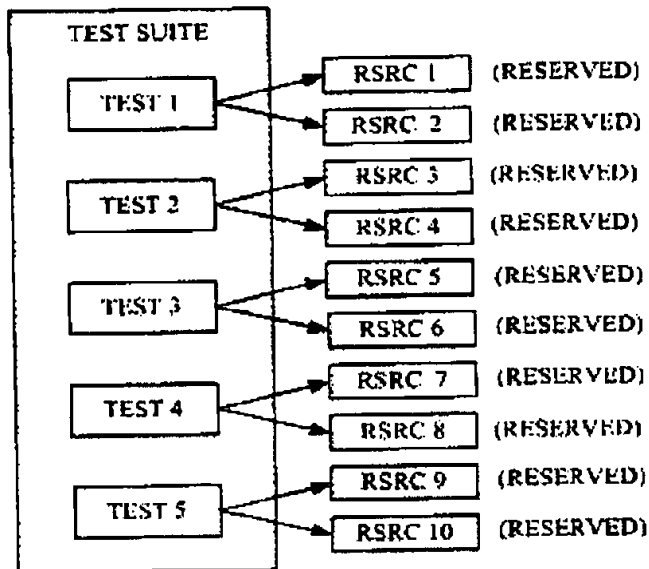
**FIG. A**

FIG. A illustrates a test suite in Herrbach. The test suite has five individual tests. Each test (1-5) points to resources (RSRC) that will be needed to execute the test. According to Herrbach, before any of the individual tests are run, the resources needed for the entire test suite are acquired and reserved. Therefore, resources (1-10) are acquired and reserved for the test suite. The individual tests are then run. For instance, assume test 1 is selected for execution. Test 1 uses resource 1 and resource 2 to execute the test. The Applicants submit that when test 1 is selected for execution, a determination is not made for test 1 as to the availability of resources 1-2. Resources 1-2 have already been reserved for the test suite. Thus, for any of the tests to be executed, the resources are reserved and the tests are not executed responsive to the availability of the resources.

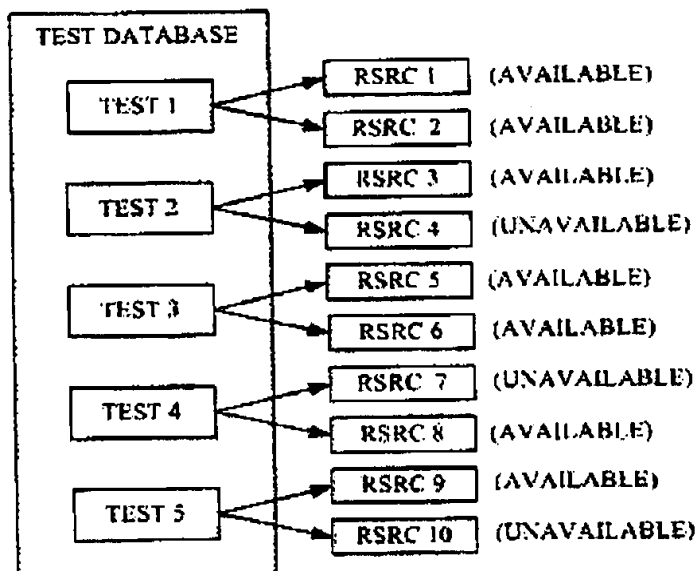
**FIG. B**

FIG. B illustrates a test database for claim 1 of the pending application. The test database has five individual tests. Each test (1-5) points to resources (RSRC) that will be needed to execute the test. Assume test 1 is selected for execution. Test 1 needs resource 1 and resource 2 to execute the test. Before executing test 1, a determination is made as to the availability of resources 1 and 2. If the resources are available, then test 1 is executed. If the resources are not available, then test 1 is not executed and test 1 is stored back in the test database for execution at a later time when resources 1 and 2 are available. In FIG. B, resources 1 and 2 are available, so test 1 may be executed.

However, further assume that test 2 is selected for execution. Test 2 needs resource 3 and resource 4 to execute the test. Before executing test 2, a determination is made as to the availability of resources 3 and 4. In FIG. B, resource 3 is available, but resource 4 is not available. Therefore, test 2 cannot be executed at this time and test 2 is returned to the test database.

The differences between Herrbach and claim 1 are thus evident. Once Herrbach starts executing tests, no determination is made as to resource availability and the tests are not performed responsive to the availability determination. Claim 1 does perform a determination as to the availability of resources for an individual test, and executes the test responsive to the resources being available.

One advantage of claim 1 over Herrbach is that claim 1 performs tests when resources are available, freeing up the resources for other applications. Because Herrbach reserves resources 1-10 for the test suite, when test 1 is executed, ten resources are unavailable for other applications even though test 1 only uses resources 1 and 2. Conversely, if test 1 is executed in claim 1, then only resources 1 and 2 are being used and the other resources are available for other applications.

Based on the above remarks, the Applicants submit that claim 1 is novel over Herrbach. The same argument applies for other claims.

#### § 103 Claim Rejections

The Examiner rejected claims 4, 16, and 27 under 35 U.S.C. § 103 in view of Herrbach and U.S. Patent Application Publication 2002/0124205 (Grey). The Applicants submit that claims 4, 16, and 27 are non-obvious over the combination of Herrbach and Grey for the same reasons provided above.

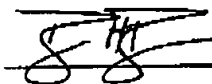
#### Conclusion

Based on the above remarks, the Applicants submit that claims 1, 3-11, 13-23, and 25-33 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 1, 3-11, 13-23, and 25-33.

Any fees may be charged to deposit account 21-0765.

Respectfully submitted,

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